

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

JOHN DOE,

Plaintiff,

-against-

**UNIVERSITY OF SOUTH CAROLINA,
HARRIS PASTIDES, individually and as agent
for University of South Carolina, ALISA
LIGGETT, individually and as agent for
University of South Carolina, CARL WELLS,
individually and as agent for University of
South Carolina, DENNIS PRUITT, individually
and as agent for University of South Carolina.**

Defendants.

Civil Action No. _____

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**MOTION FOR EMERGENCY TEMPORARY RESTRAINING ORDER
AND/OR PRELIMINARY INJUNCTION**

Plaintiff hereby moves, under Fed.R.Civ.Pro. 65, for entry of an emergency temporary restraining order and/ or preliminary injunction to enjoin Defendants from enforcing the university disciplinary suspension and other sanctions imposed on him on December 14, 2017.

As grounds therefore, Plaintiff avers:

1. The facts set forth in the Verified Complaint are incorporated herein by reference.
2. Plaintiff is a citizen of Iran, and currently resides in Columbia, South Carolina on

a student F-1 non-immigrant visa. F-1 visas are issued to international students admitted to and attending accredited educational institutions in the U.S.

3. As an F-1 non-immigrant, Doe's legal status in the U.S. is linked to his matriculation at the University. If he is no longer matriculating, he will no longer be in valid F-1 status. If he loses his F-1 status, he will be subject to removal, also known as deportation which results in Doe losing his employment, education, livelihood, and future in the U.S.

4. Moreover, Doe's status as an F-1 non-immigrant is subject to oversight by USC's International Student Services. More specifically, like all educational institutions approved to accept international students, USC has one or more DSO's, or Designated School Officials, who are part of International Student Services, and who are required by regulation to monitor international students and to enter relevant information about international students into the SEVIS system.

5. The SEVIS system, or Student and Exchange Visitor Information System, is a web-accessed database system which collects information on international nonimmigrant students and exchange visitors in the United States. Schools that are accredited to enroll international students are bound to follow certain rules relating to the SEVIS system. These rules include entering information about a student's date of entry, his/her address and changes of address, dates of enrollment, academic major and information on his/her academic progress and status.

6. If an international student in the SEVIS system fails to register, or leaves the school or graduates or is subject to discipline, the DSO is obligated to enter the information on the SEVIS system. In the event that a student is charged with a crime or faces university discipline, the DSO has 21 days to enter the information onto the SEVIS system.

7. The SEVIS system is administered by Immigration and Customs Enforcement (“ICE”). ICE is that part of the U.S. Department of Homeland Security that is responsible for immigration enforcement. ICE has the power and authority to investigate, apprehend, detain and charge noncitizens with violations of immigration law. ICE is responsible for the government’s immigration detention facilities and is the agency charged with executing removal (deportation) orders.

8. In the event that Doe is suspended, this information will be reported by the University to ICE via the SEVIS system. Once his situation comes to the attention of ICE, it will be up to the agency to decide on a course of action.

9. Depending upon circumstances and resources, the report of academic suspension of other adverse information in the SEVIS system may lead to a call-in letter from ICE or even a pick-up by ICE. The purpose of the call-in or pick-up is to determine the status of the now-suspended international student and, if circumstances warrant, to issue a Notice to Appear (“NTA”) which is a charging document and the first step in a removal (deportation) proceeding.

10. In the event of Doe’s academic suspension, USC’s DSO would be charged with reporting his status to ICE. Once his status comes up on a SEVIS report, he could face action by ICE to remove him from the U.S.

11. Even if ICE does not initiate and enforcement action against Doe, once he is placed on probation and suspended, he will be out of status. Once he is out of status, he will be left with limited choices for remaining in the U.S. If he is not able to remain in the U.S., he would be compelled to return to the Iran.

12. As more fully set forth in the Brief, Plaintiff is likely to prevail on the merits of his due process, and Title IX claim.

13. Plaintiff will suffer irreparable harm unless the requested injunctive relief is granted.

14. The granting of this injunction will not cause greater harm to the Defendants.

15. It is in the public interest to enjoin Defendants from violating fundamental norms of due process.

WHEREFORE, this Court should enter a temporary restraining order and/or preliminary injunction staying imposition of the university disciplinary suspension and other sanctions imposed on Plaintiff on December 14, 2017, and from entering any notations or information concerning Plaintiff's suspension from USC or other changes in his student status resulting from the disciplinary proceedings into the Student Exchange Visitor Information System maintained by the Department of Homeland Security.

Respectfully Submitted,



01-19-2018